

MAR 20 2007

*Application No. 10/790941  
Page 6**Amendment  
Attorney Docket No. S63.2B-10812-US01***Remarks**

This Amendment is in response to the Office Action dated December 20, 2006. Claims 1-12 and 20-22 are pending in the application. The Office Action rejected claims 1, 2, 4, 5, 7, 10 and 11 under 35 USC § 102 over Ching (US 6481262); rejected claims 6 and 12 under 35 USC § 103 over Ching; objected to claims 3, 8 and 9 as being dependent upon a rejected base claim but otherwise allowable; and allowed claims 20-22.

By this Amendment, claims 1-5, 7-9 and 20-22 are amended for clarification purposes and claims 23-27 are added. Applicants reserve the right to prosecute any cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is requested.

**Claim Objections**

The Office Action objected to claims 3, 8 and 9 as being dependent upon a rejected base claim. Claim 3 has been rewritten in independent form. Applicants note that claim 3 has been amended slightly for clarification purposes. The amendment is not intended to impact the scope of the claim.

Amendments to claims 1, 8 and 9 are believed to render the remaining objections moot. Withdrawal of the objections is requested.

**Claim Rejections**

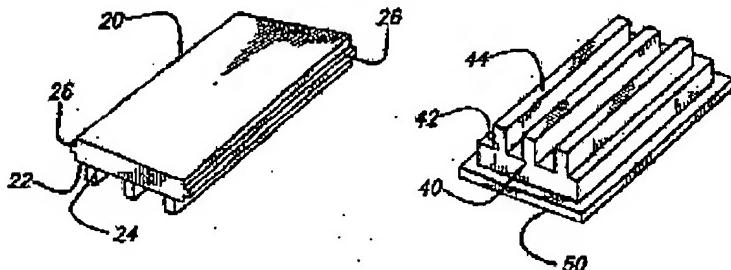
The Office Action rejected claims 1, 2, 4, 5, 7, 10 and 11 under 35 USC § 102 over Ching, and rejected claims 6 and 12 under 35 USC § 103 over Ching. Clarifying amendments to the claims have rendered these rejections moot.

Ching teaches a stent crimping device having a horizontally sliding plate 20 and a vertically sliding plate 40. See column 4, lines 21-26 and Figure 2, provided below. Each plate includes ribs 24, 44 that are used to crimp portions of a stent. See e.g. Figure 6.

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FIG. 2



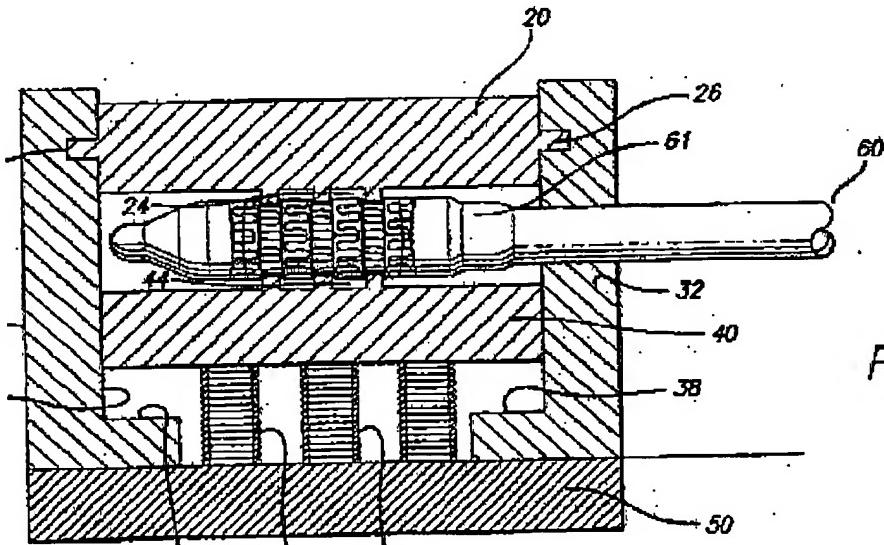
Claim 1 has been amended such that the first cylindrical member defines a longitudinal axis. Claim 1 requires the first nest and the second nest to be "aligned along the longitudinal axis," and requires the first plate to be "moveable...along the longitudinal axis."

Claim 20 similarly requires the first plate to be "moveable relative to the second plate along the length of the catheter."

Claim 21 requires the first plate and the second plate to be "moveable relative to one another to adjust a distance between the first nest and the second nest as measured along the length of the catheter."

With respect to the Ching device, the Office Action characterized a catheter 60 as the claimed "first cylindrical member," and characterized spaces between the ribs 24, 44 on either plate 20, 40 as the claimed "nests." See Office Action at page 2. Figure 6, shown below, shows the Ching device crimping a stent.

FIG. 6



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Ching does not teach a plate that is moveable along the longitudinal axis of the catheter 60, as required by claim 1. Figure 6 shows the horizontally sliding plate 20 moving laterally with respect to a longitudinal axis of the catheter 60, and the vertically sliding plate 40 moving radially with respect to a longitudinal axis of the catheter 60. Neither plate 20, 40 is capable of moving in the axial direction of the catheter 60. Therefore, Applicants assert that Ching does not disclose or suggest all of the limitations of claim 1.

Ching similarly does not teach a plate that is moveable "along the length of the catheter," as required by claim 20, or a plate that is moveable "to adjust a distance between the first nest and the second nest as measured along the length of the catheter," as required by claim 21.

The rejection provides no prior art motivation to modify Ching in a way that would result in a device meeting the limitations of the rejected claims. The Ching device is specifically designed to create a stepped circular crimp, as shown in Figure 6, which reduces the possibility of the stent slipping off of the catheter balloon. See column 2, line 61-column 3, line 3. A person of ordinary skill in the art would recognize that moving one of the plates 20, 40 along the longitudinal axis of the catheter 60 would change the placement of the ribs 24, 44. If the ribs 24, 44 of the two plates 20, 40 are not aligned across the longitudinal axis, the Ching device would be unsatisfactory for making the stepped circular crimp. As such, a person of ordinary skill in the art would not be motivated to modify Ching in a way that would meet the limitations of the pending claims.

Therefore, Applicants assert that independent claims 1, 20 and 21 are patentable over Ching under 35 USC §§ 102 & 103. Claims 2 and 4-12 depend from claim 1, and claim 22 depends from claim 21. Each dependent claim is patentable over Ching for at least the reasons discussed with respect to the independent claim from which it depends. Accordingly, Applicants request withdrawal of the rejections over Ching.

**Non-Final Action Request**

In the event that further rejections are made over newly cited art, Applicants request that the next Office Action be made non-final.

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**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-12 and 20-27 are earnestly solicited.

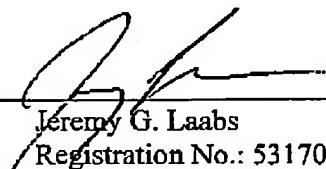
Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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